

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1610 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

RAMLAL @ BOGDI BRIJLAL OLWANI (SINDHI)

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner
MR SS PATE ASSTT. GOVERNMENT PLEADER
for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 10/08/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective parties.

2. The petitioner challenges the order of preventive detention dated 30th December, 1998 made by the Commissioner of Police, Ahmedabad City under the powers conferred upon him under Sub-Section (1) of Section 3 of the Gujarat Prevention of Anti-Social Activities Act, 1985 (hereinafter referred to as the "Act").

3. The petitioner is alleged to be a bootlegger within the meaning of Section 2(b) of the Act. One

offence punishable under Bombay Prohibition Act has been registered against the petitioner and four others in Sardarnagar Police Station on 20th December, 1998. At the time of raid carried out by the concerned Police Officers, a large quantity of foreign liquor was recovered from the possession of the petitioner. The petitioner and the co-accused one Morlimal Sadharam Kukadeja (Sindhi) were found to be present on the spot and were arrested. More over, two individuals have given statements in respect of the anti-social activities of the petitioner and above referred Morlimal Sadharam Kukadeja (Sindhi) and its adverse effect on the public order. Both the accused i.e. the petitioner and Morlimal Sadharam Kukadeja (Sindhi) were detained under the Act on 30th December, 1998. The order made against the above Morlimal Sadharam Kukadeja (Sindhi) was, pursuant to the opinion of the Advisory Board, revoked on 11th February, 1999. It is indisputable that the orders of detention were made against the petitioner and the said Morlimal Sadharam Kukadeja (Sindhi) on the basis of the same evidence. The order of detention made against the said Morlimal Sadharam Kukadeja (Sindhi) having been revoked, the petitioner also requires to be given the same treatment.

4. The petition is allowed. The order dated 30th December, 1998 (Annexure:A to the petition) is quashed and set aside. Rule is made absolute. The petitioner, unless is required to be detained in some other case, be released forthwith.

Date:10/8/1999.

(ccshah) -----